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REMARKS

Claims 1 and 3-20 are pending and rejected in this application. Claims 1, 10 and 18 are amended hereby.

Responsive to the Examiners indication that claims 1 and 3-20 of the application are in conflict with claims from application no. 10/196,615, the Applicants respectfully traverse the Examiner's indication by noting that the claims in the two applications are not identical and the Applicants have not conceded that the claims are not patentably distinct. Accordingly, Applicants respectfully submit that claims 1 and 3-20 are in form for allowance which is respectfully hereby requested.

Responsive to the rejection of claims 1, 3-5, 8-13 and 16-20 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 2,652,654 (Bahn) in view of U.S. Patent No. 2,484,727 (Patterson) Applicants have amended claims 1, 10 and 18 and submit that claims 1, 3-5, 8-13 and 16-20 are now in condition for allowance.

Bahn discloses a fishing rod tip (Figs. 1-5) that includes a hollow socket member 2 into which fishing rod 1 is extended or fit. Pin 3 is used to secure hollow socket member 2 to fishing rod 1. The invention is positioned on an end of fishing rod 1 that is remote from a reel and reel seat (not shown). Mounting member 6 has a lower ring 7 and an upper ring 8 for fixed installation to hollow socket member 2 and for axially rotatable mounting of tubular line guide 9. Annual ribs or flanges 10 hold line guide 9 in its desired longitudinal position in mountings 4 and 8. Annual ribs or flanges 10 may be soldered or sweated in place on tube 9 (column 2, lines 15-51).

Patterson discloses a fishing rod tip 5 (Figs. 1-3) including a lateral flexible tube 6 through which the fishing line extends and which is mounted in a rigid manner supported on the end of the

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fishing rod. The supporting device includes a pair of rigid metallic sleeves permanently secured together side by side so that the sleeves are fixed together in a parallel relation (column 2, lines 17-35). Tube 6 is made of a coiled wire having an end portion dipped into solder thereby producing a collar 10. The other end of tube 6 is similarly dipped into solder forming solder coating 11 (column 3, lines 4-20).

In contrast, claim 1 as amended, recites in part:

a fish pole having a plurality of fishing line guides mounted to an exterior surface of said fish pole including a first line guide positioned on a distal end of said fish pole, a second line guide and a third line guide each positioned on said exterior surface apart from said first line guide...;

an elongated tube disposed through said first line guide, said second line guide and said third line guide...; and

two captivating devices each having at least one annular ring

(Emphasis added). Applicants submit that such an invention is neither taught, disclosed nor suggested by Bahn, Patterson or any of the other cited references, alone or in combination, and includes distinct advantages thereover.

Bahn discloses a fishing rod tip with annular ribs or flanges that are soldered or sweated into place on tube 9. Patterson discloses a fishing rod tip including a lateral flexible tube 6 through which fishing line extends and which is mounted in a rigid manner supported on the end of the fishing rod. Both Bahn and Patterson disclose rigid tubes attached to a portion of a fishing rod with Patterson having a flexible tube that extends beyond the rigid tube. In contrast, Applicants' invention has an elongated tube disposed between at least two of the plurality of fishing line guides on a fishing pole. Further, the elongated tube is more flexible than the fishing pole itself. Only Patterson shows a flexible tube that is more flexible than a fishing rod; however,

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the flexible tube of Patterson extends from a rigid tube and not between two fishing line guides on the fishing pole. The Examiner has argued that Patterson has captivating devices 10 and 11 that are inherently removable; however, since devices 10 and 11 are described as being solder, the removal of the solder would be by a presumably destructive process. Assuming that the Examiner meant that a heating process would be used to remove devices 10 and 11, the solder would become drops of solder and would not be a device any longer, causing the supposed devices to lose their characteristic as captivating devices. In contrast, Applicants' invention has two captivating devices that are detachable and connected to an end of the elongated tube. As such, the captivating devices retain their nature and do not require a heating process to remove the devices thereby altering them to another form. Further, even though the elongated tube of Patterson could be used in Bahn, if it were flexible it would be contrary to the stated purpose of Bahn, in which guide 9 is in a spaced parallel relationship to socket member 2. If line guide 9 was flexible, it would not be maintained in the parallel relationship to socket member 2. Yet further, the Examiner has indicated that the removal of solder from the end of a coiled wire is the same as having a captivating device that is detachable. However, the complete removal of solder is nearly impossible, due to the nature of solder that has wetted a metallic surface. Only a portion of the solder can normally be removed, as such it is not detachable. Still further, even though Patterson has solder placed in the ends of a flexible coil spring, this does not make the solder a captivating device since it is described as a solder coating which does not captivate the coil spring to anything. Applicants have amended claim 1, keeping in mind the suggestions made by the Examiner on page 4 of the Office Action and have added the element of annular rings to the captivating devices. Therefore, Bahn, Patterson or any of the other cited references, alone or in combination, fail to disclose, teach or suggest a fish pole having a plurality of fishing line guides

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mounted to an exterior surface of the fish pole including a first line guide positioned on a distal end of said fish pole, a second line guide and a third line guide each positioned on an exterior surface apart from the first line guide and an elongated tube disposed through the first line guide, the second line guide and the third line guide and two captivating devices each having at least one annular ring, as recited in claim 1.

An advantage of Applicants' invention is that the captivating devices are removably attached and can be reutilized to install the fishing line containment system on different fishing rods. The attachment of the captivating devices to the elongated tube is enhanced by way of the annular rings that serve to secure the elongated tube to the captivating devices. Additionally, the higher flexibility of the elongated tube that extends through at least three of the fishing line guides on a conventional fishing pole is more flexible than the flexibility of the fishing pole itself, thereby having relatively little effect on the flexibility of the overall fishing rod and containment apparatus combination. For the foregoing reasons, Applicants submit that claim 1, and claims 3-5, 8, 9 and 20 depending therefrom, are in condition for allowance, which is hereby respectfully requested.

In further contrast, claim 10, recites in part:

a fishing pole with line guides ...

an elongated tube configured to be disposed through an opening in each of at least two fishing line guides, said elongated tube having a first end and a second end ...

two captivating devices each having at least one annular ring, ... including a first captivation device removably connectable to said first end and a second captivating device removably connectable to said second end.

(Emphasis added). Applicants submit that such an invention is neither taught, disclosed nor suggested by Bahn, Patterson or any of the other cited references, alone or in combination, and includes distinct advantages thereover.

Bahn discloses a fishing rod tip with annular ribs or flanges that are soldered or sweated into place on tube 9. Patterson discloses a fishing rod tip including a lateral flexible tube 6 through which fishing line extends and which is mounted in a rigid manner supported on the end of the fishing rod. Both Bahn and Patterson disclose rigid tubes attached to a portion of a fishing rod with Patterson having a flexible tube that extends beyond the rigid tube. In contrast, Applicants' invention has an elongated tube disposed between at least two of the plurality of fishing line guides on a fishing pole. Further, the elongated tube is more flexible than the fishing pole itself. Only Patterson shows a flexible tube that is more flexible than a fishing rod; however, the flexible tube of Patterson extends from a rigid tube and not between two fishing line guides on the fishing pole. The Examiner has argued that Patterson has captivating devices 10 and 11 that are inherently removable; however, since devices 10 and 11 are described as being solder, the removal of the solder would be by a presumably destructive process. Assuming that the Examiner meant that a heating process would be used to remove devices 10 and 11, the solder would become drops of solder and would not be a device any longer, causing the supposed devices to lose their characteristic as captivating devices. In contrast, Applicants' invention has two captivating devices that are detachable and connected to an end of the elongated tube. As such, the captivating devices retain their nature and do not require a heating process to remove the devices thereby altering them to another form. Further, even though the elongated tube of Patterson could be used in Bahn, if it were flexible it would be contrary to the stated purpose of Bahn, in which guide 9 is in a spaced parallel relationship to socket member 2. If line guide 9

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was flexible, it would not be maintained in the parallel relationship to socket member 2. Yet further, the Examiner has indicated that the removal of solder from the end of a coiled wire is the same as having a captivating device that is detachable. However, the complete removal of solder is nearly impossible, due to the nature of solder that has wetted a metallic surface. Only a portion of the solder can normally be removed, as such it is not detachable. Still further, even though Patterson has solder placed in the ends of a flexible coil spring, this does not make the solder a captivating device since it is described as a solder coating which does not captivate the coil spring to anything. Applicants have amended claim 10, keeping in mind the suggestions made by the Examiner on page 4 of the Office Action and have added the element of annular rings to the captivating devices. Therefore, Bahn, Patterson or any of the other cited references, alone or in combination, fail to disclose, teach or suggest a fishing pole with line guides, an elongated tube configured to be disposed through an opening in each of at least two fishing line guides, the elongated tube having a first end and a second end, and two captivating devices each having at least one annular ring, including a first captivating device removably connectable to the first end and a second captivating device removably connectable to the second end, as recited in claim 10.

An advantage of Applicants' invention is that the captivating devices are removably attached and can be reutilized to install the fishing line containment system on different fishing rods. The attachment of the captivating devices to the elongated tube is enhanced by way of the annular rings that serve to secure the elongated tube to the captivating devices. Additionally, the higher flexibility of the elongated tube that extends between at least two of the fishing line guides on a conventional fishing pole is more flexible than the flexibility of the fishing pole itself, thereby having relatively little effect on the flexibility of the overall fishing rod and containment apparatus combination. For the foregoing reasons, Applicants submit that claim 10, and claims MAC0002.US

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11-13, 16 and 17 depending therefrom, are in condition for allowance, which is hereby respectfully requested.

In further contrast, claim 18, recites in part:

removably installing two captivating devices each including at least one annular ring, one said captivating device at each of two ends of said flexible tubing, one of said two captivating devices being proximate to said first fishing line guide and another of said two captivating devices being proximate to said third fishing line guide, said flexible tubing in contact with said annular rings.

(Emphasis added). Applicants submit that such an invention is neither taught, disclosed nor suggested by Bahn, Patterson or any of the other cited references, alone or in combination, and includes distinct advantages thereover.

Bahn discloses a fishing rod tip with annular ribs or flanges that are soldered or sweated into place on tube 9. Patterson discloses a fishing rod tip including a lateral flexible tube 6 through which fishing line extends and which is mounted in a rigid manner supported on the end of the fishing rod. Both Bahn and Patterson disclose rigid tubes attached to a portion of a fishing rod with Patterson having a flexible tube that extends beyond the rigid tube. In contrast, Applicants' invention has an elongated tube disposed between at least two of the plurality of fishing line guides on a fishing pole. Further, the elongated tube is more flexible than the fishing pole itself. Only Patterson shows a flexible tube that is more flexible than a fishing rod; however, the flexible tube of Patterson extends from a rigid tube and not between two fishing line guides on the fishing pole. The Examiner has argued that Patterson has captivating devices 10 and 11 that are inherently removable; however, since devices 10 and 11 are described as being solder, the removal of the solder would be by a presumably destructive process. Assuming that the Examiner meant that a heating process would be used to remove devices 10 and 11, the solder would become drops of solder and would not be a device any longer, causing the supposed devices to

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lose their characteristic as captivating devices. In contrast, Applicants' invention has two captivating devices that are detachable and connected to an end of the elongated tube. As such, the captivating devices retain their nature and do not require a heating process to remove the devices thereby altering them to another form. Further, even though the elongated tube of Patterson could be used in Bahn, if it were flexible it would be contrary to the stated purpose of Bahn, in which guide 9 is in a spaced parallel relationship to socket member 2. If line guide 9 was flexible, it would not be maintained in the parallel relationship to socket member 2. Yet further, the Examiner has indicated that the removal of solder from the end of a coiled wire is the same as having a captivating device that is detachable. However, the complete removal of solder is nearly impossible, due to the nature of solder that has wetted a metallic surface. Only a portion of the solder can normally be removed, as such it is not detachable. Still further, even though Patterson has solder placed in the ends of a flexible coil spring, this does not make the solder a captivating device since it is described as a solder coating which does not captivate the coil spring to anything. Applicants have amended claim 18, keeping in mind the suggestions made by the Examiner on page 4 of the Office Action and have added the element of annular rings to the captivating devices. Therefore, Bahn, Patterson or any of the other cited references, alone or in combination, fail to disclose, teach or suggest the step of removably installing two captivating devices each including at least one annular ring, one of the captivating devices at each of two ends of the flexible tubing, one of said two captivating devices being proximate to said first fishing line guide and another of said two captivating devices being proximate to said third fishing line guide, said flexible tubing in contact with said annular rings, as recited in claim 18.

An advantage of Applicants' invention is that the captivating devices are removably attached and can be reutilized to install the fishing line containment system on different fishing

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rods. The attachment of the captivating devices to the elongated tube is enhanced by way of the annular rings that serve to secure the flexible tubing to the captivating devices. Additionally, the higher flexibility of the flexible tubing that extends between at least two of the fishing line guides on a conventional fishing pole is more flexible than the flexibility of the fishing pole itself, thereby having relatively little effect on the flexibility of the overall fishing rod and containment apparatus combination. For the foregoing reasons, Applicants submit that claim 18, and claim 19 depending therefrom, are in condition for allowance, which is hereby respectfully requested.

Claims 6, 7, 14 and 15 have been rejected under 35 U.S.C. § 103 (a) as being unpatentable over Bahn in view of Patterson and in further view of U.S. Patent No. 5,832,653 (Tsurufuji). However, claims 6 and 7 depend from claim 1, and claims 14 and 15 depend from claim 10, and claims 1 and 10 are now in condition for allowance for the reasons given above. Accordingly, Applicants submit that claims 6, 7, 14 and 15 are now in condition for allowance, which is hereby respectfully requested.

For the foregoing reasons, Applicants submit that no combination of the cited references teaches, discloses or suggests the subject matter of the amended claims. The pending claims are therefore in condition for allowance, and Applicants respectfully request withdrawal of all rejections and allowance of the claims.

In the event Applicants have overlooked the need for an extension of time, an additional extension of time, payment of fee, or additional payment of fee, Applicants hereby conditionally petition therefor and authorize that any charges be made to Deposit Account No. 20-0095, TAYLOR & AUST, P.C.

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Should any question concerning any of the foregoing arise, the Examiner is invited to  
telephone the undersigned at (260) 897-3400.

Respectfully submitted,

  
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being transmitted via facsimile  
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Name of Registered Representative

  
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Date

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